

MINUTES OF COUNCIL

A regular session of Troy City Council was held Monday, April 4, 2016, at 7:00 p.m. in Council Chambers.

Members Present: Kendall, Phillips, Schweser, Snee, Terwilliger, Tremblay and Twiss.

Upon motion of Mr. Phillips, seconded by Mr. Tremblay, Mr. Heath was excused from this meeting by unanimous roll call vote.

Upon motion of Mrs. Snee, seconded by Mr. Phillips, Mrs. Oda was excused from this meeting by unanimous roll call vote.

Presiding Officer: Martha A. Baker, President of Council

Others Present: Michael L. Beamish, Mayor
Patrick E. J. Titterington, Director of Public Service and Safety
Grant D. Kerber, Director of Law
John E. Frigge, Auditor

INVOCATION: The meeting began with an invocation given by Mr. Terwilliger, followed by the Pledge of Allegiance was led by Griffin Johnson of Boy Scout Troop 356.

INTRODUCTION: Recently appointed Firefighter-Paramedic Craig A. Allread was introduced.

MINUTES: The Clerk gave a summary of the minutes of the March 21, 2016 meeting of Troy City Council. There were no corrections or additions to these minutes. A motion was made by Mr. Kendall, seconded by Mr. Schweser, to approve these minutes. Motion passed by unanimous roll call vote.

COMMITTEE REPORTS:

Finance Committee: Mr. Kendall reported that Committee recommends legislation be prepared approving the requested subordination of the SBD loan of R&E, LLC from PNC Bank to Greenville Federal Bank as this will not impact the City's loan. Committee supports emergency legislation so that the company can complete the refinancing with Greenville Federal as soon as possible.

Report signed by Schweser, Tremblay and Kendall.

Personnel Committee: Mr. Terwilliger, Chairman, reported that to level workloads and provide for operational efficiencies, Committee recommends legislation be prepared to:

1. Amend the salary ordinance for the FLSA exempt employees to move the positions of Planning and Zoning Manager and Zoning Inspector from the Office of the Engineering Division to the Department of Development.
2. Amend the salary ordinance for hourly employees to create the new position of Program Coordinator under the Recreation Board at the 2016 hourly rate of \$15.48.

While not a matter of legislation, Committee supports increasing the authorized staffing of the position of Assistant Development Director from one to two incumbents. Committee also noted that a reappropriation may be required, but funds are available within fund balances.

Report signed by Kendall, Twiss and Terwilliger.

Discussion. Mr. Twiss asked about the process of filling any positions – the second Assistant Development Director position and that of Program Coordinator. Mr. Titterington commented that the next step would be to finalize any details with the Civil Service Commission prior to any posting.

Oral Report. Mr. Terwilliger, Chairman, reported that The Mayor has requested the consent of Council to the appointment of John E. Frigge to the Community Improvement Corporation (CIC) to fill a vacancy. Committee supports that appointment. A motion was made by Mr. Terwilliger, seconded by Mr. Schweser, to approve the appointment of John E. Frigge to the CIC for an appointment commencing immediately. Motion passed, unanimous roll call vote.

Recreation and Parks: Mr. Tremblay reported that Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to enter into an agreement related to the 2016 Troy Strawberry Festival.

Report signed by Tremblay.

Streets and Sidewalks Committee: Mr. Phillips, Chairman, reported that Committee recommends legislation be prepared to:

1. Authorize the Director of Public Service and Safety to enter into an agreement with the Board of Miami County Commissioners regarding the paving of McKaig Road from SR 718 to South Dorset Road, with the County paying 53% of the cost of such paving.

2. Authorize the Director of Public Service and Safety to advertise for bids and enter into a contract for the 2016 paving program, with such program to include the paving of McKaig Road from SR 718 to South Dorset Road, at a total cost not to exceed \$1,105,000 for the entire paving program.

Committee further supported a future reappropriation of \$275,000 from the Capital Improvement Fund for the gross expenditure related to the McKaig Road resurfacing.

Report signed by Snee and Phillips.

Utilities Committee: Mr. Tremblay, Chairman, reported as follows:

1. Committee recommends legislation be prepared authorizing the Director of Public Service and Safety to advertise for bids and enter into a contract for the replacement of equipment associated with the primary clarifiers at the WWTP at a cost not to exceed \$64,000.
2. Committee recommends legislation be prepared to:
 - A. Authorize the Miami Valley Communications Council (MVCC) and its consultant to act as procuring agents for the City of Troy to identify a competitive retail electric provider for electric generation and transmission supplier services for City facilities.
 - B. Authorize the Director of Public Service and Safety to execute an agreement for electric generation and transmission supply services for City facilities with the competitive retail service provider once that provider is identified.

Committee supports emergency legislation as MVCC has requested a commitment by May 1 of the communities that intend to participate in a new group contract, and each entity must have the ability to execute a new agreement very quickly once the provider is identified since market prices change daily and suppliers are not able to hold prices for an extended period of time.

Reports signed by Terwilliger, Twiss and Tremblay.

CITIZEN COMMENTS: None.

RESOLUTION NO. R-14-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE REPLACEMENT OF EQUIPMENT ASSOCIATED WITH THE PRIMARY CLARIFIERS AT THE WASTEWATER TREATMENT PLANT

This Resolution was given first title reading.

Mr. Tremblay moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Tremblay, Snee, Phillips, Terwilliger, Twiss, Schweser and Kendall.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Schweser.

Yes: Snee, Phillips, Terwilliger, Twiss, Schweser, Kendall and Tremblay.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-15-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT WITH THE BOARD OF MIAMI COUNTY COMMISSIONERS REGARDING THE RESURFACING OF MCKAIG ROAD

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Tremblay.

Yes: Phillips, Terwilliger, Twiss, Schweser, Kendall, Tremblay and Snee.

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Schweser.

Yes: Terwilliger, Twiss, Schweser, Kendall, Tremblay, Snee and Phillips.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-16-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2016 PAVING PROGRAM

This Resolution was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Twiss.

Yes: Twiss, Schweser, Kendall, Tremblay, Snee, Phillips and Terwilliger

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Kendall.

Yes: Schweser, Kendall, Tremblay, Snee, Phillips, Terwilliger and Twiss.

No: None.

RESOLUTION ADOPTED

RESOLUTION NO. R-17-2016

RESOLUTION AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO, TO ENTER INTO AN AGREEMENT FOR ELECTRIC GENERATION SUPPLY WITH A COMPETITIVE RETAIL ELECTRIC SERVICE PROVIDER, AND DECLARING AN EMERGENCY

This Resolution was given first title reading.

Mr. Tremblay moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Kendall, Tremblay, Snee, Phillips, Terwilliger, Twiss and Schweser.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Twiss.

Yes: Tremblay, Snee, Phillips, Terwilliger, Twiss, Schweser and Kendall.

No: None.

RESOLUTION ADOPTED

ORDINANCE NO. O-17-2016

ORDINANCE AMENDING ORDINANCE NO. O-46-2015, FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF THE CITY OF TROY, OHIO, AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mr. Schweser.

Yes: Snee, Phillips, Terwilliger, Twiss, Schweser, Kendall and Tremblay.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Schweser.

Yes: Phillips, Terwilliger, Twiss, Schweser, Kendall, Tremblay and Snee.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-18-2016

ORDINANCE AMENDING ORDINANCE NO. O-45-2015, FIXING SALARIES AND WAGES OF CERTAIN EMPLOYEES OF THE CITY OF TROY, OHIO

This Ordinance was given first title reading.

Mr. Terwilliger moved for suspension of rules requiring three readings. Motion seconded by Mrs. Snee.

Yes: Snee, Phillips, Terwilliger, Twiss, Schweser, Kendall and Tremblay.

No: None.

Mr. Schweser moved for adoption. Motion seconded by Mr. Kendall.

Yes: Phillips, Terwilliger, Twiss, Schweser, Kendall, Tremblay and Snee.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-19-2016

ORDINANCE SUBORDINATING A MORTGAGE LIEN FOR R&E, LLC AND DECLARING AN EMERGENCY

This Ordinance was given first title reading.

Mrs. Snee moved for suspension of rules requiring three readings. Motion seconded by Mr. Kendall.

Yes: Terwilliger, Twiss, Schweser, Kendall, Tremblay, Snee and Phillips.

No: None.

Mr. Kendall moved for adoption. Motion seconded by Mr. Tremblay.

Yes: Twiss, Schweser, Kendall, Tremblay, Snee, Phillips and Terwilliger.

No: None.

ORDINANCE ADOPTED

ORDINANCE NO. O-20-2016

ORDINANCE CHANGING THE ZONING OF INLOTS 10578 AND 10579 IN THE CITY OF TROY, OHIO FROM THE MIAMI COUNTY ZONING OF A-2, GENERAL AGRICULTURE, TO THE CITY OF TROY ZONING OF A, AGRICULTURAL DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-21-2016

ORDINANCE CHANGING THE ZONING OF INLOT 10574 IN THE CITY OF TROY, OHIO, FROM THE MIAMI COUNTY ZONING OF R-1AAA, SINGLE-FAMILY, TO THE CITY OF TROY ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-22-2016

ORDINANCE CHANGING THE ZONING OF INLOT 9678 (PARCEL NO. D08-105060) IN THE CITY OF TROY, OHIO FROM THE DUAL ZONING OF M-2, LIGHT INDUSTRIAL DISTRICT AND B-2, GENERAL BUSINESS DISTRICT TO THE SINGLE ZONING OF B-2, GENERAL BUSINESS DISTRICT

This Ordinance was given first title reading.

ORDINANCE NO. O-23-2016

ORDINANCE AUTHORIZING THE USE OF PUBLIC AREAS FOR THE 2016 TROY STRAWBERRY FESTIVAL AND AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE AND SAFETY OF THE CITY OF TROY, OHIO TO ENTER INTO AN AGREEMENT THEREFOR

This Ordinance was given first title reading.

Mr. Phillips moved for suspension of rules requiring three readings. Motion seconded by Mrs. Snee.

Yes: Schweser, Kendall, Tremblay, Snee, Phillips, Terwilliger and Twiss.

No: None.

Mr. Phillips moved for adoption. Motion seconded by Mr. Twiss.

Yes: Kendall, Tremblay, Snee, Phillips, Terwilliger and Twiss.

No: None.

Abstain: Schweser (as his wife is the manager of the Troy Strawberry Festival). ORDINANCE ADOPTED

COMMENTS OF MAYOR BEAMISH: Mayor Beamish thanked Council for the appointment of Mr. Frigge to the CIC.

COMMENTS OF DIRECTOR OF PUBLIC SERVICE AND SAFETY: Mr. Titterington noted that The Troy Foundation has generously approved a grant for \$10,000 towards the cost of the July 4 fireworks; that the annual spring cleanup will be April 11-15, but brush polices must be followed for the collection of the brush.

COMMENTS OF PRESIDENT OF COUNCIL: Mrs. Baker thanked Ted Mercer and other lawn care businesses for commencing Operation Courthouse (the maintenance of the green space around the Courthouse) and continuing their commitment to help keep Troy beautiful.

AUDIENCE COMMENTS:

-James Thompson, 209 Nottingham Lane, spoke regarding a mountain bike trail that is being established within cemetery property, adjacent to him, and that he opposed in the past. Mr. Thompson stated his understanding that that any further determination to proceed would be submitted to Council and on Council's agenda, but he has found that a lot of work has been done to clear the land. Mr. Thompson stated his objection to this trail proceeding without notice to neighbors and addressing concerns of loss of privacy and the persons who may use the trail. Mr. Titterington noted that the use of the land can be authorized as an administrative matter, a mountain bike trail is part of the recognition as a bike friendly community, and the trail is still subject to a determination of where the access will be to be away from residential properties. Mrs. Baker asked about liability and procedures. Mr. Kerber confirmed that the City has recreational immunity regarding the use of the land, and the procedures that can allow the use of the land.

-Julie Thompson, 209 Nottinghill Lane, asked if the City has not formally approved this trail, whom does she call if there are problems, and commented if the goal of such trails are to be a light footprint, she does not feel the trails cut meet that goal, and she feels the neighbors were blindsided. Mrs. Baker suggested she call the Director of Public Service and Safety and also talk to the neighbor mentioned as spearheading the project.

-Lester Conard, 1210 S. Clay Street, commented that sidewalks in front of City Hall need to be repaired, the City has planted trees on S. 25A that are dying and money should not be thrown away on beauty that will die, and he feels officials are allowing the mountain bike trail in their own personal interests.

EXECUTIVE SESSION: A motion was made by Mr. Tremblay, seconded by Mrs. Snee, to recess into executive session for discussion of preparing for, conducting or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment.

Motion passed, unanimous roll call vote.

At 8:12 p.m. Council recessed into Executive session.

A motion was made by Mr. Schweser, seconded by Mr. Phillips, to return to regular session.

Motion passed by unanimous roll call vote.

At 8:32 p.m. Council returned to regular session and, there being no further business, adjourned.

Clerk of Council

President of Council